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Subj: INTELLIGENCE OVERSIGHT RESPONSIBILITIES AND STAFF RELATIONSHIPS

Ref: (a) DOD 5240.1-R  
(b) SECNAVINST 3820.3D  
(c) MCO 5040.6F  
(d) MCO 3800.2A

Encl: (1) Intelligence Oversight Responsibilities and Staff Relationships

1. Intelligence Oversight (IO) is the process of ensuring that all DoD intelligence, counterintelligence, and intelligence related activities are conducted in accordance with applicable U.S. law, executive orders, DoD directives, and regulations. IO procedures enable intelligence components to carry out their authorized functions while ensuring adherence to certain restrictions against the collection, retention, and dissemination of information concerning U.S. persons. This letter clarifies IO responsibilities and staff relationships. It has been coordinated with the Intelligence Department and the Office of the Staff Judge Advocate to the Commandant.

2. References (a) through (d) establish three basic requirements to guide commanders when implementing an IO program: (1) conduct independent and impartial reviews to ensure compliance with policy; (2) establish awareness training and reporting procedures; and (3) ensure legal/policy review of intelligence actions. Consequently, the success of the IO program demands the active participation of the Command Inspector, the Senior Intelligence Officer and the Staff Judge Advocate (SJA). A baseline explanation of staff roles and relationships is presented below.

a. Command Inspector. Oversight of sensitive intelligence and non-intelligence activities falls within the purview of the Command Inspector. Reference (c) sets forth the philosophy and responsibility for inspections within the Marine Corps. It directs major subordinate commanders to assign a Command Inspector responsible to design and implement a Commanding General's Inspection Program (CGIP). The CGIP includes the review of IO awareness program implementation at the command element and subordinate command levels. Command Inspectors, by virtue of their designation, possess an inherent "oversight" function for all programs affecting mission capability. However, this oversight function must not be confused with the responsibilities associated with implementation/administration of the command IO awareness program.

b. Senior Intelligence Officer. Recognizing the distinct intent of Intelligence Oversight regulations, many commands appoint an intelligence officer or senior staff NCO as the "Intelligence Oversight Officer" charged with administering an IO awareness program. Contrary to the inherent "oversight" function of the Command Inspector discussed

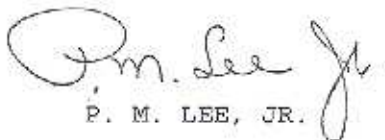
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above, the senior intelligence officer is responsible to ensure that a command IO awareness program is properly implemented. This includes establishing local procedures, conduct of training, record keeping, and submission of required IO reports. Individuals assigned IO awareness responsibilities may, under the auspices of the Command Inspector, participate in CGIP inspections as a subject matter expert.

c. Staff Judge Advocate. The active involvement of the SJA is essential to a sound IO program. The SJA provides legal opinion and advise as to whether activities conducted by Marine Corps intelligence activities are legal and consistent with applicable policies.

3. The enclosure presents a summary of IO duties and staff relationships. It expands on the above guidance and is offered as a tool to assist with intelligence oversight program implementation.

4. Mr. John Carey, Director, Oversight Division, is available to answer questions at commercial (703) 614-1206 or DSN 224-1206.

  
P. M. LEE, JR.

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## INTELLIGENCE OVERSIGHT RESPONSIBILITIES AND STAFF RELATIONSHIPS

### Command Inspector:

The Command Inspector is responsible to the Commanding General to monitor and oversee the implementation and management of Intelligence Oversight (IO) programs at the command element and subordinate command level. Per references (a) through (d), Command Inspector IO responsibilities include:

- a. Inspect using the HQMC Automated Inspection Reporting System (AIRS) IO checklist.
- b. Receive and forward required IO reports.
- c. Receive, investigate, and forward reports of IO violations or questionable activity.
- d. Ensure the command Staff Judge Advocate (SJA) is consulted as appropriate, but especially as part of the review, investigation, or reporting of IO violations or questionable activity.

### Senior Intelligence Officer:

The Senior Intelligence Officer is responsible to ensure the command IO awareness program is implemented and properly administered. Per references (a) through (d), duties of individuals assigned command oversight awareness responsibilities include:

- a. Design and implement the command IO training and reporting program.
- b. Submit IO program activity reports to the headquarters Command Inspector via the chain of command.
- c. Advise the commander/commanding general on status of IO policy and procedures.
- d. Ensure the command SJA is consulted as appropriate, but especially as part of the review, investigation, or reporting of IO violations or questionable activity.
- e. If directed, inspect as a subject matter expert in support of the Command Inspector during inspections of subordinate commands.

### Staff Judge Advocate:

The SJA serves in a legal review and advisory role of IO policy and procedures. The role of the SJA may include:

- a. Review of command policy and procedures for implementing IO program requirements.
- b. Review of IO program activity reports submitted by the command.
- c. Review command intelligence activities to ensure they are legal and consistent with applicable policies.
- d. Review reports or investigations of IO violations and questionable activities.

Enclosure (1)